

1 Tammy Hussin (SBN: 155290)  
2 HUSSIN LAW  
3 1302 N. Coast Highway 101, Suite 201  
4 Encinitas, CA 92024  
5 Tel: (877) 677-5397  
6 Fax: (877) 667-1547  
7 Tammy@HussinLaw.com

8 Attorney for Plaintiffs, Natalie Huffman, Steve Huffman, Inna Borboa, Tamara  
9 Sams, Guadalupe Quevedo, Mary Russell, Diann Taylor, David Toledo, Mitchell  
Joelson, Susan Joelson, Genevive Lorenzo Agsalud, Isaac Myers, Jose Raposo,  
Beverly Raposo, Xchel Osorio, Desire Valdez, and Clinton Rusthoven

10  
11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**  
13 **SOUTHERN DIVISION**

14 Natalie Huffman, Steve Huffman, Inna  
15 Borboa Badran, Tamara Sams,  
16 Guadalupe Quevedo, Mary Russell,  
17 Diann Taylor, David Toledo, Mitchell  
18 Joelson, Susan Joelson, Genevive  
19 Lorenzo Agsalud, Isaac Myers, Jose  
Raposo, Beverly Raposo, Xchel Osorio,  
Desire Valdez, and Clinton Rusthoven,

20 Plaintiffs,

21 v.

22  
23 Midland Credit Management, Inc., a  
24 California corporation; and DOES 1-10,  
inclusive,

25 Defendants.  
26  
27  
28

Case No.:

**COMPLAINT FOR DAMAGES FOR  
VIOLATIONS OF TELEPHONE  
CONSUMER PROTECTION ACT,  
47 U.S.C. §227, *et seq.***

**JURY TRIAL DEMANDED**

1 For this Complaint, the Plaintiffs, by and through their undersigned counsel,  
2 based on information garnered from Plaintiffs and investigations by their counsel,  
3 hereby state as follows:

4 1. This action arises out of repeated violations of the Telephone Consumer  
5 Protection Act, 47 U.S.C. §227, *et. seq.* (“TCPA”), and this court has original  
6 jurisdiction of this civil action as one arising under the laws of the United States.  
7 28 U.S.C. §1331; *see, Mims v. Arrow Fin. Serv., LLC*, 565 U.S. 132 S. Ct. 740, 181  
8 L. Ed.2d 881 (2012).

9 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.

10 3. Plaintiffs all satisfy Article III standing requirements, as all have  
11 suffered concrete injury in the form of invasions of privacy from defendant’s  
12 repeated violations of the TCPA. *Van Patten v. Vertical Fitness Group*, D.C.  
13 No.3:12-cv-01614 (9<sup>th</sup> Cir., 2017).

14 4. Venue is proper in this District pursuant to 28 U.S.C. §1391(b), in that  
15 Defendant transacts business here and a substantial portion of the acts giving rise to  
16 this action occurred here.

### 17 **THE PARTIES**

18 5. Plaintiff, Inna Borboa Badran f/k/a Inna Borboa (hereafter, “Borboa”),  
19 is an adult individual residing in Los Angeles, California, and is a “person,” as  
20 defined by 47 U.S.C. §153(39).

21 6. Plaintiff, Tamara Sams (hereafter, “Sams”), is an adult individual  
22 residing in Ontario, California, and is a “person,” as defined by 47 U.S.C. §153(39).

23 7. Steve and Natalie Huffman (hereafter, “Huffmans”), are adult  
24 individuals residing in Bakersfield, California, and they are each a “person,” as  
25 defined by 47 U.S.C. §153(39).

26 8. Plaintiff, Guadalupe Quevedo (hereafter, “Quevedo”), is an adult  
27 individual residing in Visalia, California, and is a “person,” as defined by 47 U.S.C.  
28 §153(39).

1           9. Plaintiff, Mary Russell (hereafter, “Russell”), is an adult individual  
2 residing in Los Angeles, California, and is a “person,” as defined by 47 U.S.C.  
3 §153(39).

4           10. Plaintiff, Diann Taylor (hereafter, “Taylor”), is an adult individual  
5 residing in Herriman, Utah, and is a “person” as defined by 47 U.S.C. §153(39).

6           11. Plaintiff, David Toledo (hereafter, “Toledo”), is an adult individual  
7 residing in Modesto, California, and is a “person,” as defined by 47 U.S.C.  
8 §153(39).

9           12. Mitchell and Susan Joelson (hereafter, “Joelsons”), are adult  
10 individuals residing in Irvine, California, and they are each a “person,” as defined  
11 by 47 U.S.C. §153(39).

12           13. Plaintiff, Genevive Lorenzo Agsalud (hereafter, “Agsalud”), is an adult  
13 individual residing in Los Angeles, California and is a “person,” as defined by 47  
14 U.S.C. §153(39).

15           14. Plaintiff, Isaac Myers (hereafter, “Myers”), is an adult individual  
16 residing in Los Angeles, California, and is a “person,” as defined by 47 U.S.C.  
17 §153(39).

18           15. Jose and Beverly Raposo (hereafter, “Raposos”), are adult individuals  
19 residing in Artesia, California, and they are each a “person,” as defined by 47 U.S.C.  
20 §153(39).

21           16. Plaintiff, Xchel Osorio (hereafter, “Osorio”), is an adult individual  
22 residing in Los Angeles, California, and is a “person,” as defined by 47 U.S.C.  
23 §153(39).

24           17. Plaintiff, Desire Valdez (hereafter, “Valdez”), is an adult individual  
25 residing in Los Angeles, California, and is a “person,” as defined by 47 U.S.C.  
26 153(39).



1 against MCM, many of whom complain MCM ignored do-not-call directives. *See*,  
2 <https://data.consumerfinance.gov/dataset/Consumer-Complaints/s6ew-h6mp>.

3 25. In addition to those who complain to the government, there are  
4 thousands of others who lodge complaints on the internet about being bombarded  
5 with automated calls from MCM after requesting that the calls stop. *See, e.g.*  
6 <http://800notes.com/nb/search?q=midland+credit+management>;  
7 <http://complaintwire.org/~sys~/search/?q=midland+credit+management>.

8 25. While ignoring do-not-call directives and barraging consumers with  
9 calls, MCM violates the TCPA by using an automated telephone dialing systems  
10 and/or an automated voice when calling consumers on their cellular telephones.

11 26. MCM's illegal calling campaigns resulted in an enormous exposure to  
12 liability, and MCM found itself defending a variety of TCPA class actions, and  
13 hundreds on individual TCPA claims.

14 27. The MCM TCPA class actions were consolidated into a Multidistrict  
15 Litigation ("MDL"), and thereafter the hundreds of individual claims were  
16 transferred into the MDL. *See, In re: Midland Credit Management Inc. Telephone*  
17 *Consumer Protection Act Litigation*, Case No. 11-MD-2286 MMA-MDD (S.D.  
18 CA).

19 28. The Midland MDL was heavily litigated. After years of unsuccessfully  
20 defending the MDL, MCM ultimately MCM agreed to settle the class actions for  
21 \$15 million.

## 22 **MCM AND THE PLAINTIFFS**

23  
24 29. The MCM TCPA class action settlement identified over 41 million  
25 consumers who were called in violation of the TCPA, and Plaintiffs were among  
26 those identified as members of the class.  
27  
28

1           30. Like the other members of the class, Plaintiffs each received automated  
2 calls from MCM during the class period of November 2, 2006 and August 31, 2014,  
3 as defined in the MCM TCPA class action settlement.

4           31. Although it was years ago, Plaintiffs each specifically recall being  
5 bombarded with unwanted calls from MCM. MCM systematically ignored each of  
6 Plaintiffs' do-not-call directives, and barraged them with calls without their consent  
7 and over their objections. In fact, there was not a single instance in which MCM  
8 honored a do-not-call directive from any of the Plaintiffs.

9           32. Even after being told to stop calling, MCM typically called Plaintiffs  
10 on a daily basis, multiple times a day, for weeks and months on end. The calls began  
11 early in the mornings and persisted well into the evening hours. Plaintiffs estimate  
12 they sometimes received upwards of fifteen calls from MCM in a single day from  
13 Midland.

14           33. MCM's calls to Plaintiffs were particularly bothersome because they  
15 were automated. When Plaintiffs answered the calls, MCM sometimes used an  
16 automated voice, and Plaintiffs were forced to wait in silence for an available  
17 representative with whom they could speak. Other times Plaintiffs answered calls  
18 from MCM, and heard only silence and MCM's telephone system never transferred  
19 them to a live representative. Other times still, Plaintiffs answered and MCM's  
20 telephone system terminated the call. When Plaintiffs did not answer, MCM  
21 sometimes clogged Plaintiffs' voicemail with blank and/or automated messages.

22           34. MCM added to Plaintiffs' frustration by calling from many different  
23 phone numbers, and by blocking the caller identification such that Plaintiffs would  
24 not know it was MCM calling. Plaintiffs sometimes blocked MCM's telephone  
25 number in an effort to stop the calls, only to find that MCM would start calling them  
26 from a different phone number.

27           35. Plaintiffs were often times met with rude and abusive representatives  
28 when they asked that the calls stop. MCM representatives typically openly and

1 outwardly refused to honor Plaintiffs' do-not-call requests. Representatives  
2 sometimes insisted the calls would, and could, continue until such time as the debt  
3 was paid. Some representatives terminated the call when told to stop calling; other  
4 times representatives ignored the request all together and became loud and  
5 aggressive attempting to bully Plaintiffs into making immediate payment.

6 36. Specifically, in or around 2011 and 2012, Plaintiff, Inna Borboa  
7 Badran, began receiving debt collection calls from MCM on her cellular telephone  
8 in an attempt to collect a debt. Ms. Badran instructed MCM to cease all  
9 communications with her both orally and in writing. MCM nonetheless continued  
10 to harass Ms. Badran with automated calls.

11 37. In or around 2009, Plaintiff, Tamara Sams, began receiving automated  
12 calls from MCM on her cellular telephone in an attempt to collect a debt. Ms. Sams  
13 directed MCM representatives to stop calling. MCM nonetheless continued to  
14 harass Ms. Sams with automated calls.

15 38. In or around 2012, Plaintiffs, Natalie and Steve Huffman, began  
16 receiving automated calls from MCM on their cellular telephones. The Huffmans  
17 directed MCM representatives to stop calling. MCM nonetheless continued to  
18 harass the Huffmans with automated calls.

19 39. In or around 2013, Plaintiff, Guadalupe Quevedo began receiving  
20 automated calls on her cellular telephone from MCM in an attempt to collect a debt.  
21 Ms. Quevedo directed MCM representatives to stop calling. MCM nonetheless  
22 continued to harass the Huffmans with automated calls.

23 40. In or around 2013, Plaintiff, Mary Russell, began receiving automated  
24 calls from MCM on her cellular telephone in an attempt to collect a debt. Ms.  
25 Russell directed MCM to stop calling. MCM nonetheless continued to harass Ms.  
26 Russell with automated calls.

1           41. In or around 2013, Plaintiff, Diann Taylor, began receiving automated  
2 calls from MCM in an attempt to collect a debt. Ms. Taylor directed MCM to stop  
3 calling. MCM nonetheless continued to harass Ms. Taylor with automated calls.

4           42. In or around 2012, Plaintiff, David Toledo, began receiving automated  
5 calls from MCM in an attempt to collect a debt. Mr. Toledo directed MCM  
6 representatives to stop calling. MCM nonetheless continued to harass Mr. Toledo  
7 with automated calls.

8           43. In or around 2012, Plaintiffs, Susan and Michael Joelson began  
9 receiving automated calls from MCM in an attempt to collect a debt. The Joelsons  
10 directed MCM representatives to stop calling. MCM nonetheless continued to  
11 harass the Joelsons with automated calls.

12           44. In or around 2012, Plaintiff, Genevive Agsalud, began receiving  
13 automated calls on her cellular telephone from MCM in an attempt to collect a debt.  
14 Ms. Agsalud told MCM representatives to stop calling. MCM nonetheless  
15 continued to harass Ms. Agsalud with automated calls.

16           45. In or around 2012, Plaintiff, Isaac Myers began receiving automated  
17 calls on his cellular telephone from MCM in an attempt to collect a debt. Mr. Myers  
18 told MCM representatives to stop calling. MCM nonetheless continued to harass  
19 Mr. Myers with automated calls.

20           46. In or around 2012, Plaintiffs, Jose and Beverly Raposo, began receiving  
21 automated calls from MCM in an attempt to collect a debt. The Raposos told MCM  
22 representatives to stop calling. MCM nonetheless continued to harass the Raposos  
23 with automated calls.

24           47. In or around 2012, Plaintiff, Desire Valdez began receiving automated  
25 calls from MCM in an attempt to collect a debt. Ms. Valdez told MCM  
26 representatives to stop calling. MCM nonetheless continued to harass Ms. Valdez  
27 with automated calls.





